

Bill No. 32-03
Concerning: Personnel – Retirement –
Police
Revised: Nov. 5, 2003 Draft No. 3
Introduced: September 9, 2003
Enacted: November 18, 2003
Executive: December 1, 2003
Effective: March 1, 2004
Sunset Date: None
Ch. 30, Laws of Mont. Co. 2003

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) implement certain provisions of the current labor agreement between the County and the police collective bargaining organization; and
- (2) generally amend County law regarding the County employee retirement system.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-43 and 33-46

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

Section 1. Sections 33-43 and 33-46 are amended as follows:

Sec. 33-43. Disability retirement.

* * *

(j) Adjustment or cessation of disability pension payments.

* * *

(2) (A) [Whenever the] The Chief Administrative Officer [determines that a member who has not yet reached normal retirement date, receiving disability pension payments is engaged in or is able to engage in a gainful occupation paying more than the difference between] may reduce the amount of the disability pension payments of a member who:

- (i) has not reached the normal retirement date; and
- (ii) is engaged in, or able to engage in, an occupation that pays more than the difference between the amount of the disability pension payments [[and]] and the current maximum earnings of the occupational classification from which the employee was disabled[, the amount of the member's disability pension payments may be reduced to the point at which the amount of disability pension payments plus the amount earnable equals such maximum earnings].

(B) For a member other than a Group F member who meets the criteria in subparagraph (A) [[above]], the Chief Administrative Officer may reduce the member's disability pension payments until the amount of the

disability pension payments plus the amount that the employee earned or is able to earn equals the maximum earnings of the occupational class from which the member was disabled.

(C) For a Group F member who receives a non-service connected disability pension and who meets the criteria in subparagraph (A) [[above]], the Chief Administrative Officer may reduce the member's disability pension payments until the amount of the disability pension payments plus the amount the employee earned or is able to earn equals 120 percent of the maximum earnings of the occupational class from which the employee was disabled.

(3) [Whenever a disability retiree's] If the earnings capacity of a disability retiree [is changed] changes, the Chief Administrative Officer may change the amount of the disability retirement pension [may be further modified by the Chief Administrative Officer]. [The amount of the revised pension must not exceed the original disability retirement pension plus cost-of-living increases or an amount which, when added to the amount earnable by the member, equals the maximum earnings of occupational classification from which disabled.] For the purpose of this subsection, "disability pension" is the amount of pension payable without election of a pension payment option.

(A) For a disability retiree other than a group F member, the Chief Administrative Officer must ensure that the amount of the revised pension does not exceed:

- (i) the original disability retirement pension plus cost-of-living increases; or
- (ii) an amount that, when added to the amount the member earns or is able to earn, equals the maximum earnings of the occupational classification from which the member was disabled.

(B) For a Group F member who receives a non-service connected disability pension, the Chief Administrative Officer must ensure that the amount of the revised pension must not exceed:

- (i) the original disability retirement pension plus cost-of-living increases; or
- (ii) an amount that, when added to the amount that the member earns or is able to earn, equals 120 percent of the maximum earnings of the occupational classification from which the member was disabled.

* * *

(7) [A Group G member] The Chief Administrative Officer must not [have the member's] reduce the service-connected disability pension payments [reduced] of a Group F or G member by [other] income received from sources other than County Government employment.

* * *

Sec. 33-46. Death benefits and designation of beneficiaries.

* * *

(b) **Spouse's, or domestic partner's, and children's benefits of a member whose death is service-connected.**

(1) (A) If a member other than a Group F member dies while [in the service of] employed by the County or a participating agency on or after August 15, 1965, and the employing department or agency, a beneficiary, or another person submits satisfactory proof to the Chief Administrative Officer that the employee's death [was the result of] resulted from injuries sustained in the line of duty or was directly attributable to the inherent hazards of the duties the employee performed [by the member is submitted] and the death was not due to willful negligence, the County must pay benefits [payments must be made] as follows:

[(1)] (i) [A] a spouse's or domestic partner's benefit equal to 25 percent of the member's final earnings, paid as a monthly benefit for the spouse's or partner's life, but not less than \$250 per month; plus

[(2)] (ii) [A] a child's benefit equal to 5 percent of the member's final earnings, paid as a monthly benefit, but not less than \$50 per month until the child reaches age 21 or for life if the child is disabled and incapable of self-support.

(B) The Chief Administrative Officer must ensure that the maximum total [spouse's, or domestic partner's, and children's benefit] benefit for a spouse or domestic

partner and child must not exceed 40 percent of the member's final earnings.

(C) The [spouse's, or domestic partner's, and children's] Chief Administrative Officer must not pay the benefit [is not payable] to the spouse or domestic partner and child if the spouse or domestic partner elects to receive benefits under subsection (e). However, the Chief Administrator must pay [, except that] a child's benefit [is payable] if the eligible spouse or domestic partner dies before the child is 21 years old.

(2) The Chief Administrative Officer must pay death benefits to the spouse or domestic partner and child of a Group F member as if the member had been receiving a service-connected disability pension on the date of the member's death and had selected a joint and survivor pension option of 100 percent of the amount payable to the member, if:

(A) the Group F member died while employed by the County;
and

(B) the employing department, a beneficiary, or another person submits satisfactory proof to the Chief Administrative Officer that the member's death:

(i) resulted from injuries the employee received in the line of duty or was directly attributable to the inherent hazards of the duties the employee performed; and

(ii) was not due to the employee's willful negligence.

* * *

Sec. 2. Transition.

Section 33-46(b)(2) of the Code, as amended by this Act, applies to service-
connected death benefits payable to the spouse or domestic partner and child of
any Group F member who dies on or after July 1, 2003.

Approved:

Michael L. Subin, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Mary A. Edgar, CMC, Clerk of the Council

Date